

TEXAS FUNERAL SERVICE COMMISSION

WORKFORCE PLAN

Agency Overview

The Texas Funeral Service Commission (TFSC) was established as the State Board of Embalmers in the year 1903 to license and regulate embalmers at a time when many legislatures across the country were licensing various professions in order to protect the public health. The agency's original purpose was to protect the public health by preventing the spread of contagious disease. In 1938 the law was amended to include the regulation of funeral directors. In 1953 the State Board of Embalmers evolved into the State Board of Morticians which was renamed the Texas Funeral Service Commission in the year 1987. Prior to 1978 the main focus of the agency was to protect the public from unresponsive funeral directors and embalmers. As a result of the Sunset process in 1979, the statute was amended to expand and strengthen the agency's ability to protect the public from unethical, unscrupulous and dishonest practices within the death care industry. The Texas Legislature has attempted during subsequent legislative sessions to strengthen the agency's enforcement capabilities. During the 78th Legislative Session the TFSC was given the new mission of regulating crematories and certain cemeteries through licensing and compliance. The TFSC administers all regulatory programs, issues licenses, and investigates consumer complaints.

The mission of the TFSC is carried out through Licensing and Compliance. The TFSC office is located at 333 Guadalupe Street, Suite 2-110, Austin, Texas. The staff is divided between the Compliance and Consumer Affairs Division and the Licensing Division.

The mission to protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of Commission are accomplished by the five (5) FTEs of the Compliance and Consumer Affairs Division and the one Legal Assistant. In addition, the agency Licensing Division consists of five (5) FTEs which perform the licensing, registration, examination, and

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continuing education functions. Overseeing all functions of the agency is the Executive Director.

The accounting division currently contracts with another small state agency to perform the accounting duties of the agency. In accordance with the state mandates the agency uses historically underutilized businesses (HUBs) for the agency's expenditures for service contracts and purchases when possible.

A. Agency Mission

To protect the public from deceptive practices by gaining compliance with the laws of the State of Texas and rules of the Commission through a process of impartial enforcement, inspection, and education to insure that the final disposition of every citizen is conducted at the highest level of professional standards and ethical conduct.

B. Strategic Goals and Objectives

Goal #1 Competent Licensees

To manage a program of examination and licensure that ensures the development of competent funeral professionals and the highest standards of professional and ethical conduct.

Objective To ensure the licensing and provisional license (apprentice) functions are managed in a timely and cost-effective manner.

Strategies:

- To license individuals, funeral establishments, commercial embalmer establishments, and crematory establishments in the State of Texas
- Decrease administrative processes through aggressive participation with regard to online licensing and registration
- Provide quality Continuing Education for the industry
- To promote uniformity and reciprocity with other licensing jurisdictions

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- Promote the public welfare by ensuring that licensure qualifications and standards for professional practice are properly evaluated, accurately applied, and vigorously enforced
- Develop a quality education program to promote compliance with the regulations and agency rules

Goal #2 Enforce Standards

To aggressively and effectively provide enforcement through compliance, and to protect the public from incompetent and unethical conduct.

Objective To ensure the protection of the general public by inspecting 100 percent of all licensed funeral establishments (each fiscal year) and to ensure aggressive and effective investigation of consumer complaints.

Strategies:

- To provide enforcement through a vigorous program of inspections and investigations

Objective To ensure fair and immediate due process for all complainants and respondents by initiating the disciplinary/adjudicatory process in an efficient and effective manner.

Strategies:

- Decrease the number of consumer complaints
- Review investigated complaints and recommend disciplinary or other action

C. Anticipated Changes in Strategies

TFSC anticipates some changes that may impact the agency's business. The changes are outlined below.

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There were several changes during the regular 82nd Legislative session. Additionally the agency anticipates some changes during the regular 83rd Legislative session.

- Amendments to Texas Occupations Code 651 will help to clarify existing statutes to allow for clearer understanding and enforcement.
- Amending current language of existing statutes will allow the Commission to stay current with updated technology.
- Current statutory language fails to provide a maximum time frame for when the final disposition of a dead human body must occur.
- Organ/tissue and blood transplantation and transportation of any body part as it relates to dead human bodies is a challenge for the Texas Legislature to address during the 83rd legislative session. Fixing the responsibility for oversight with the Texas Funeral Service Commission and the Texas Anatomical Board jointly must be addressed on behalf of and for the protection of the consuming public.
- The Legislature may need to consider whether Crematory Operators should be licensed.

D. Agency Workforce Profile

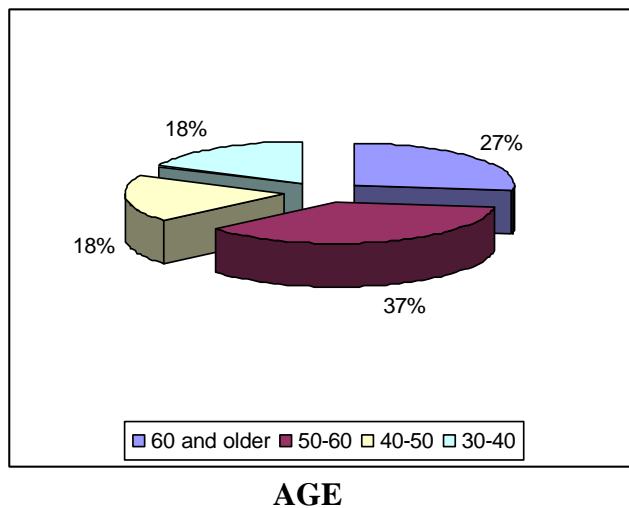
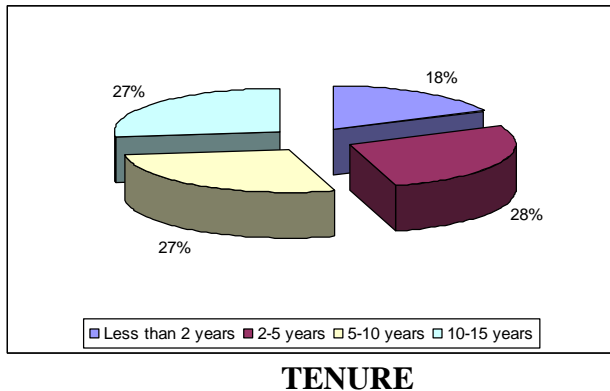
1. Critical Workforce Profile

- There are several critical skills that are important to the agency's ability to operate. Understanding the importance of a professional presence while on the job, the ability to organize, plan, and prioritize, problem-solve, critical communication skills, and the ability to manage difficult situations are just a few of the skills needed to work in the death care industry. Without these skills the TFSC's basic business functions would be impeded. Below is a brief overview of the current work force resources and how these resources will evolve over time through turnover or retirement.

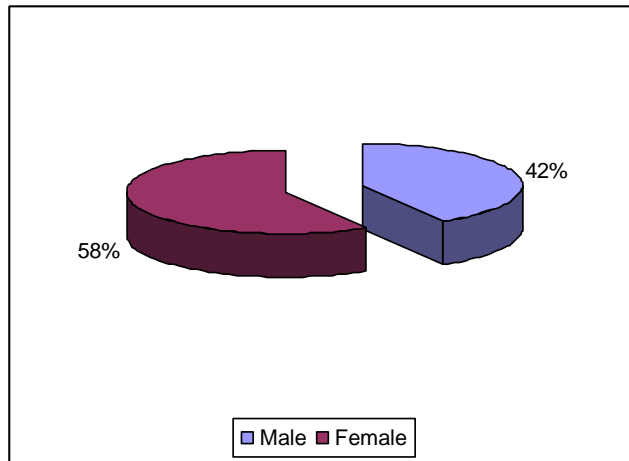
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The agency has maintained its distinct advantage in that it has educated and qualified staff that carries out their responsibilities in an efficient, effective, professional, and customer-service oriented manner. All staff personnel multitask on a daily basis.

2. Workforce Demographics



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GENDER

As illustrated by the above charts the agency is comprised of 58% females and 42% males. The greatest concentration of males is within the Compliance and Consumer Affairs Division. The majority of the agency workforce is over the age of 50. There is a wide variety of ages which gives the agency a broad perspective. As illustrated 64% of the agency's workforce has 5 years or more of agency service.

E. Employee Turnover

During FY2011 and the first two quarters of FY2012 the TFSC experienced a 33% employee turnover. This was the highest employee turnover rate the agency has experienced within the past ten (10) years. The TFSC employee turnover rate is consistently higher than both the statewide turnover rate and the article VIII turnover rate. It is anticipated that the turnover rate will remain at such a high rate due to voluntary separation, such as retirement, transferring to another state agency, or voluntary resignation. A contributing factor for voluntary separation will be an employee's desire for a higher pay rate and the need for a position in a higher job classification.

In previous years the greatest area of turnover has been with employees who have had less than one year of experience and are under the age of 40.

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F. Future Workforce Profile

The agency must keep abreast of changes and advances in the uses of technology. Therefore, as the use of technology expands, the agency must determine the critical functions which must be controlled, supervised, or performed by individuals that understand the death care industry in order to promote, preserve, and protect the public safety.

Changes in legislative requirements may mean the TFSC may have to reevaluate and revise current work flow, processes, and education. The TFSC must be prepared to accept and implement these changes within our workforce.

1. Workforce functions:
 - a. Critical Functions
 1. Licensing and Examination
 2. Investigation and Compliance

The TFSC is a regulatory agency that regulates both individuals (Funeral Directors and Embalmers) and facilities (Funeral Establishments, Commercial Embalmer Establishments, Crematory Establishments, and certain Cemeteries). Interaction between the two divisions, Licensing and Compliance, is crucial to the effectiveness of the agency's efforts.

- b. Anticipated workforce changes in Critical Functions
 1. Continued increase in the death care industry workforce and possible changes made by the 83rd Legislature
 2. Expansion of the educational programs
 3. Increase in the use of legal resources due to the lack of in-house legal counsel
 4. Continued training for the Compliance and Consumer Affairs Division to ensure compliance with statutory requirements through regulation, licensure, and investigations of violations
 5. Constant evaluation of work flow processes for more efficiency
 6. Employees cross trained in functional areas

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7. With the anticipated Legislative changes and new mandates on the agency, the TFSC's workforce should be expanded by two (2) FTEs to fulfill additional statutory responsibilities.

c. Future workforce skills

1. Customer service for continued customer satisfaction

2. The agency needs to continue to have skilled staff members in all areas of critical functions

3. Qualified staff to make use of available resources necessary to carry out the critical functions of the agency

4. The TFSC continues to have a need for and requests one (1) in-house legal counsel. In the absence of an in-house legal counsel and in response to the heavy legal demands on the TFSC, the Office of the Attorney has assigned three Assistant Attorneys General (AAGs) to provide general counsel and to prosecute and/or mediate the agency's cases at SOAH. However some of these AAGs may represent as many as a dozen other state agencies, and, while the number of cases backlogged at SOAH has been reduced by the AAGs, the TFSC continues to have a serious backlog of cases pending at SOAH, a number of which are over a year old. Permitting the TFSC to hire an in-house legal counsel would greatly reduce the case backlog at SOAH. An in-house legal counsel would also assist the TFSC with the agency's large number of open records requests, with in-house rules review and rules drafting, with in-house mediation of disputes over ingress/egress to cemeteries, and with the agency's response to legal questions from the public and from licensees. An in-house counsel dedicated to the goals of the TFSC is essential to managing the agency's workload in such a way as to meet the TFSC's performance goals set by the Legislature.

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G. Gap Analysis

The impact of Texas' continued fiscal crisis, as it relates to salaries and funding, continues to be an obstacle for staff development.

A. Anticipated surplus or shortage of workers or skills

1. Staff members have difficulty competing for higher positions within the agency
2. Staff members look elsewhere for higher paying positions with less work involved
3. Critical skills are continuously being developed internally but time constraints, budgetary constraints, and the need to work his/her own job hinders the development
4. TFSC cannot hire an in-house Attorney until the statute is changed and funding is appropriated for the same

Although the agency did have staff turnover during FY 2011 and FY 2012, and lost one FTE due to budget cutbacks, the agency continues to remain stable. Providing quality services to the consuming public, as well as the licensees, depends on the critical functions of being able to respond in a timely, professional manner to public inquiries, complaints, licensing issues, and requests for information. It is essential to the agency's business functions to be able to hire and retain the most qualified staff possible. The inability, due to budgetary or legislative constraints, to hire the above mentioned professionals places a great burden on the staff and the agency as a whole.

TFSC has identified skills that are a priority to the agency:

Admin Support	Officials/Admin			Professional/Technical			Para-Professional		
	Have	Need	Gap	Have	Need	Gap	Have	Need	Gap
Administrative/Business Process	1	1.5	.5	0	0	0	2	2	0
Licensing/Examination	3.5	3.5	0	0	0	0	0	0	0
Compliance through Investigation/Inspection	0	.5	.5	5	6	1	0	0	0
Education	.5	.5	0	0	0	0	0	0	0

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H. Strategy Development

In order to address possible deficits between the current workforce and future demands, the TFSC has developed goals for the current workforce plan.

Gap	Current employees lack critical skills
Goal	Develop a competent, well-trained workforce
Rationale	The training and development of current employees is critical to the success of the agency. TFSC must continue to analyze existing staff to determine which employees demonstrate the potential to develop new competencies. Through management and leadership development outside training opportunities are available for all levels of staff.
Action Steps	<ul style="list-style-type: none"> Identify new skills required
	<ul style="list-style-type: none"> Expand the training within and outside the agency
	<ul style="list-style-type: none"> Rely on other small agencies for their expertise
	<ul style="list-style-type: none"> Mentor current employees which will benefit the organizational development of the agency
	<ul style="list-style-type: none"> Review of procedures and strategies to ensure that knowledge is retained within the agency

Gap	TFSC cannot retain the right employees for the job
Goal	Become an employer of choice
Rationale	Human resource investments are crucial to the continued efficiency and effectiveness of the agency operations. TFSC must recognize there is a competitive market for good workers and take appropriate action to ensure each staff member is compensated fairly in comparison to other Article VIII agencies of similar size. The agency will focus on rewarding exceptional performance, and creating a culture that supports innovation and creativity.
Action Steps	<ul style="list-style-type: none"> Develop and implement a pay incentive for performance planning
	<ul style="list-style-type: none"> Utilize pay incentives to retain staff
	<ul style="list-style-type: none"> Create programs for employees who are seeking new challenges to work on special projects and assignments

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CURRENT ORGANIZATIONAL CHART

